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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,524

09/18/2008

Rodney Warwick Sharp

4521-1018

4656

466

7590

04/19/2010

YOUNG & THOMPSON

209 Madison Street

Suite 500

Alexandria, VA 22314

EXAMINER

FRANCIS, FAYE

ART UNIT

PAPER NUMBER

3725

NOTIFICATION DATE

DELIVERY MODE

04/19/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,524	<b>Applicant(s)</b> SHARP, RODNEY WARWICK	
	<b>Examiner</b> Faye Francis	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 42-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/28/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 42-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example **only**,

The claims are indefinite because they are drafted in such a way that it is not clear whether they are drawn to the subcombination of a tip portion or to the combination of a tip portion and base portion. For example **only**, and with reference to claim 42, lines 1 and 2 thereof recite "a tip portion for use..." indicating that what is claimed is the subcombination of a tip portion. Note also the phrase "said tip portion comprising" on line 2. On the other hand, portions of the claim recite limitations on the base portion or limitations that are dependent on the base portion (note the limitations in lines 8-10 and first line from the bottom of the claim 42 and the limitation on line 2 of claims 46 and 48 in another example. These elements indicate that perhaps the applicant's intention is to claim the base portion in combination with the tip portion. All of the independent claims rejected under the aforementioned grounds contain the same defects.

In this office action it is presumed that the claims are drawn to the subcombination of the tip portion only, in order to give the claims their broadest reasonable interpretation during examination, per applicable rules. Accordingly, all references in the claims to “base portion” are only to be statements of intended use with regard to the claimed tip portion. Said differently, all such features are not considered to further structurally limit the claimed tip portion.

However clarification of the scope of the claims is required in response to this office action. Should applicant desire to claim the tip portion and base portion in any claim, and then the same should be clearly done. The applicant is reminded that it is by now well settled that features not claimed may not be relied upon in support of patentability.

In claim 42 line 11, “removed portion” should be replaced with --recess-- for consistency with the language used in the specification.

With respect to claim 42, the phrase “acts upon and passes through same” in line 4 from the bottom, renders the claims indefinite because all of the particular features encompassed thereby cannot be determined.

Claim 43 is indefinite because it is not clear what the phrase “between the head of, or a nut associated with, said bolt and the tip body portion” is intended to encompass.

Claim 45 appears to only disclose method steps in an apparatus claim.

Claim 54 is indefinite since all that the applicant considers to be encompassed by the phrase “preferred rotational orientation” cannot be determined.

Accordingly the applicant is requested to review all of the claims for the purpose of making corrections wherever appropriate but not specifically pointed to.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 42-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Orphall (4,826,090).

The claims are interpreted as best understood by the examiner. The claims are interpreted as requiring a tip portion including a tapered body portion, tooth element away from the tapered body portion and a recess within a tip portion. Orphall is considered to clearly show a device having the structural elements of the claims that can be understood (see Fig. 2).

5. Claims 42-67 are rejected under 35 U.S.C. 102(e) as being anticipated by either Pizzuto (US 2005/0001084) or Roozeboom et al (US 2005/0035234) or Diemunsch (7,100,855).

The claims are interpreted as best understood by the examiner. The claims are interpreted as requiring a tip portion including a tapered body portion, tooth element

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away from the tapered body portion and a recess within a tip portion. Either Pizzuto or Roozeboom et al. or Diemunsch are considered to clearly show a device having the structural elements of the claims that can be understood (see Fig. 7, Fig. 1 and Fig. 3 respectively).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye Francis/  
Primary Examiner  
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